

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

SALLY FOX,

Plaintiff,

v.

CIV No. 14-0549 RB/KBM

NEW MEXICO AGING AND LONG TERM
SERVICES DEPARTMENT and NEW MEXICO
HUMAN SERVICES DEPARTMENT,

Defendants.

ORDER TO SHOW CAUSE

This matter is before the Court *sua sponte*. This Court set a Telephonic Rule 16 Initial Scheduling Conference in this case for December 2, 2014. Defense counsel appeared telephonically for the Scheduling Conference; however, Plaintiff's counsel did not appear for the conference and could not be reached at his telephone number of record.

While the Court is ordinarily inclined to simply reset Scheduling Conferences when counsel fail to appear, here, the Court notes that Plaintiff's counsel has already been admonished by this Court for his failure to promptly file an amended complaint in this case. In his Memorandum Opinion and Order denying Defendants' motion to dismiss and motion to strike, the Honorable Robert Brack explained that the Court "values timeliness and expects parties to abide by the rules of this Court" and that Plaintiff's counsel "dodged a bullet by virtue of a recently amended Rule 15 and a three-day safe harbor in Rule 6 – a rule which [he] did not cite." *Doc. 22* at 4. Judge Brack went on to issue the following warning: "Going forward, the Plaintiff would do well to strictly adhere to the rules of the Court. Anything less will not be tolerated." Under these circumstances, and given what appears to be an emerging pattern of dilatory conduct

by Plaintiff's counsel, the Court issues this Order to Show Cause.

IT IS THEREFORE ORDERED that no later than **Tuesday, December 9, 2014**, Plaintiff's counsel must file a response to this Order showing cause why he should not be sanctioned for his failure to appear at the Rule 16 Initial Scheduling Conference set for December 2, 2014.


UNITED STATES CHIEF MAGISTRATE JUDGE